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**FILED**  
DISTRICT COURT OF GUAM  
FEB 20 2007  
MARY L.M. MORAN  
CLERK OF COURT

**FORREST BOOTH** (Cal. Bar No. 74166) (admitted pro hac vice)  
**RYAN C. DONLON** (Cal. Bar No. 229292) (admitted pro hac vice)  
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Attorneys for Defendant, Counter-Complainant,  
Cross-Complainant, and Third-Party Complainant  
S.J. GARGRAVE SYNDICATE 2724  
8ZP843W

**IN THE DISTRICT COURT OF GUAM**  
**TERRITORY OF GUAM**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

INCHCAPE SHIPPING SERVICES GUAM,  
LLC,

Plaintiff in Intervention,

vs.

MARWAN SHIPPING & TRADING CO.,  
FIVE SEAS SHIPPING CO., LLC, and S.J.  
GARGRAVE SYNDICATE 2724, *in*  
*personam*,

Defendants.

AND CROSS-CLAIMS, COUNTERCLAIM,  
AND CLAIM IN INTERVENTION

Civil Case No.: 06-00011


**NOTICE OF MOTION AND MOTION  
OF S.J. GARGRAVE SYNDICATE  
2724'S MOTION TO DISMISS  
CROSSCLAIM OF MARWAN  
SHIPPING & TRADING CO., LLC,  
AND FIVE SEAS SHIPPING CO., LLC,  
OR ALTERNATIVELY TO STAY THE  
CROSSCLAIM  
[ORAL ARGUMENT NOT  
REQUESTED]**

Accompanying Documents: Memorandum  
of Points & Authorities, Affidavit of Myles  
A. Sunley, Table of Foreign Authorities,  
Proposed Order

Complaint Date: April 19, 2006  
Trial Date: None Set

1 Cross-Defendant S.J. GARGRAVE SYNDICATE 2724 ("Gargrave") hereby moves the  
2 Court for an order to dismiss, or alternatively to stay, the Crossclaim of MARWAN SHIPPING &  
3 TRADING CO., LLC and FIVE SEAS SHIPPING CO., LLC. Gargrave's motion is supported  
4 by this Notice and Motion, the accompanying Memorandum of Points & Authorities, Affidavit of  
5 Myles A. Sunley, including the exhibits appended thereto, and the records and files of the Court.

6 Dated this 20<sup>th</sup> day of February, 2007.

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10 THOMAS McKEE TARPLEY,  
11 Attorneys for Defendant, Counter-Complainant,  
12 Cross-Complainant, and Third-Party Defendant  
13 S.J. GARGRAVE SYNDICATE 2724 in  
14 *personam*  
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CERTIFICATE OF SERVICE


I, Thomas M. Tarpley, Jr., hereby certify pursuant to Rule 5(d) Fed. R. Civ. P. that on February 20, 2007, I caused to be served a true and correct copy of the **NOTICE OF MOTION AND MOTION OF S.J. GARGRAVE SYNDICATE 2724'S MOTION TO DISMISS CROSSCLAIM OF MARWAN SHIPPING & TRADING CO., LLC, AND FIVE SEAS SHIPPING CO., LLC, OR ALTERNATIVELY TO STAY THE CROSSCLAIM [ORAL ARGUMENT NOT REQUESTED]**, to the following:

R. Michael Underhill, Esq.  
Attorney in Charge  
c/o Mike W. Schwab, Esq.  
OFFICE OF THE UNITED STATES ATTORNEY  
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*Attorneys for Defendants and Cross-Defendants Marwan Shipping & Trading Co. and Five Seas Shipping Co., LLC*

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*Attorneys for Intervenor Inchcape Shipping Services Guam LLC*

Dated this 20 day of February, 2007.

  
THOMAS MCKEE TARPLEY,  
Attorney for Defendant  
S.J. GARGRAVE SYNDICATE 2724, in personam